

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BYRON WALTON,

Plaintiff,

vs.

PITT OHIO EXPRESS,

Defendant.

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1:13-cv-559- SEB-DKL


ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The Court, having reviewed the Magistrate Judge's Report and Recommendation filed at Docket No. 19 and observing that no party has objected to it within the time permitted under law, now adopts the Magistrate's Judge's Report and Recommendation as the ruling of the Court. Accordingly, the Court: (1) DENIES Defendant's motion to dismiss Plaintiff's § 1981 race discrimination claim; (2) GRANTS Defendant's motion to dismiss Plaintiff's ADEA age discrimination claim; and (3) GRANTS Defendant's motion to dismiss Plaintiff's state law claim for unpaid wages.

Plaintiff's remaining § 1981 race discrimination claim is set for trial to the Court on Monday, December 1, 2014, at 9:30 a.m. in Room 216 of the United States Courthouse and for final pretrial conference on Tuesday, November 18, 2014, at 2:00 p.m. in Room 216 of the United States Courthouse.

IT IS SO ORDERED.

Date: 02/27/2014



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Copies to:

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